IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WA.No. 557 of 2005

AGAINST THE JUDGEMENT/ORDER IN WPC.36047/2004 Dated 06/01/2005

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APPELLANT:

THE THRISSUR MEDICAL COLLEGE STUDENTS' UNION, REPRESENTED BY ITS GENERAL SECRETARY SRI.ASKHAR M.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS: PETITIONERS & RESPONDENTS:

1. MANOJ A., LAKSHMI NIVAS, NELLIMUGHAL P.O.,PATHANAMTHITTA.

2. SHIMU MOHAMMED, W/O. MOHAMMED NAJEEB, MUKKATH HOUSE, EDAPPALLY, COCHIN-24.

3. ANN GEORGE, THAIPARAMBIL HOUSE, PUTHENVELIKARA, NORTH PARAVUR TALUK.

4. SMITHA G.RAJ, AKSHARA BHAVAN, T.D.MEDICAL COLLEGE P.O., VANDANAM, ALAPPUZHA-05.

5. THE DIRECTOR OF MEDICAL EDUCATION,THIRUVANANTHAPURAM.

6. THE PRINCIPAL, MEDICAL COLLEGE, KOTTAYAM.

7. THE PRINCIPAL, MEDICAL COLLEGE, THRISSUR.

8. THE PRINCIPAL, MEDICAL COLLEGE, ALAPPUZHA.

BY ADV. SRI.GEORGE POONTHOTTAM
GOVERNMENT PLEADER SRI.BEENY GERVACIS
ADV.SRI.T.R.RAVI

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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W.A.No.557 OF 2005

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Dated this the 5th day of September, 2007

JUDGMENT

Radhakrishnan, J

This appeal has been preferred by the Thrissur Medical College Students' Union being aggrieved by some of the observations made by learned Single Judge in Writ Petition No.36047/04. Writ petition was preferred by the respondents 1 to 4 herein seeking a writ of certiorari to quash Ext.P6 order and also for a declaration that order dated 3.12.2004 has been issued by the first respondent without any authority and in violation of law.

2. Learned Single Judge pointed out that the petitioners could not join duty due to the agitation of the student community against appointment of Lecturers in Anatomy (Non Medical) to the Medical Colleges at Kottayam, Thrissur and Alleppy. Counsel for petitioner submits that some of the observations made by the learned Single Judge would affect the dignity and reputation of medical students generally. We

are of the view that there is no justification for the student community to obstruct the petitioners from joining duty in the college as Lecturers. Petitioners were selected and advised by the Kerala Public Service Commission in the medical education service as Lecturers in Anatomy (Non-Medical) in the scale pay of Rs.8000-13500. Learned counsel appearing for the writ petitioners also submits that their probation has also been declared.

In such circumstances, this appeal lacks merit and it is dismissed but the observation made against the student community stands expunged.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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